

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF WEST VIRGINIA
WHEELING

In Re:

Chapter 7

Ohio Valley University

Case No. 22-bk-00056

Debtor (s)

**RESPONSE TO MOTION OF CHAPTER 7 TRUSTEE FOR AN ORDER TO APPROVE THE SALE OF
CERTAIN ASSETS OF THE DEBTOR'S ESTATE FREE AND CLEAR OF LIENS, CLAIMS, INTERESTS,
AND ENCUMBRANCES PURSUANT TO 11 U.S.C. §§ 105 AND 363 AND RELATED RELIEF
[Related to Doc. No. 34]**

TO THE HONORABLE U.S. BANKRUPTCY JUDGE:

Cranehill Capital LLC ("Cranehill") files this Response to the Motion of Chapter 7 Trustee for an Order To Approve the Sale Of Certain Assets Of The Debtor's Estate Free and Clear Of Liens, Claims, Interests and Encumbrances ("Response") and respectfully states as follows:

1. On June 01 2022, Thomas H. Fluharty, Chapter 7 Trustee ("Trustee"), filed the Motion of Chapter 7 Trustee for Order To approve the Sale of Certain Assets of The Debtor's Estate Free and Clear of Liens, Claims, Interests, And Encumbrances (Doc. No. 34) ("Sale Motion"), seeking an order authorizing the sale of certain property of the estate consisting of Assets of the bankruptcy estate including real property described as coal interests in the following Counties: Barbour, County; Boone County; Braxton County; Brooke County; Cabell County; Calhoun County; Fayette County; Gilmer County; Greenbrier County; Harrison County; Jackson County; Kanawha County; Lewis County; Logan County; Marion County; Mason County; McDowell County; Mercer County; Mineral County; Mingo County; Monongalia County; Nicholas County; Ohio County; Pleasants County; Preston County; Putnam County; Raleigh County; Randolph County; Roane County; Taylor County; Upshur County; Wayne County; Webster County; Wetzel County; Wirt County; and Wyoming County (the "Property"). Exhibits with District, Map, Parcel, and Description for each County are attached, marked collectively as "Exhibit A" and made a part hereof. ("Property")
2. Pursuant to the Sale Motion, the Trustee proposes to sell the Property to Tusc Land, LLC ("TUSC") for the amount of \$25,000.00

3. After the Trustee filed the Sale Motion, Cranehill advised the Trustee that it was making a higher bid for the Property. Accordingly, in order to place such offer before the Court and in the record, Cranehill files this Response and hereby makes its offer of \$30,000.00 to purchase the Property on the same commercial terms as those provided to TUSC.

4. Cranehill requests that it be given the opportunity to outbid any future bids on the Property.

Date: 06/13/22

Respectfully Submitted,

/s/ Thomas E. McIntire

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing document was served on the Trustee via email and on the parties listed below via U.S. Mail, postage prepaid, on June 13, 2022.

Tusc Land, LLC
P.O. Box 31
New Philadelphia, OH 44663

Thomas H. Fluharty
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Martin P. Sheehan
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United States Trustee
Ustpreion04.ct.ecf@usdoj.gov

/s/ Thomas E. McIntire

Thomas E. McIntire, Esq.